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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,838	12/09/2003	Tom Heil	HILB/763	5191
26875	7590	03/15/2005	EXAMINER	
WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			MILLER, WILLIAM L	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,838

Applicant(s)

HEIL ET AL.

Examiner

William L. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 9-13 is/are allowed.
- 6) ☒ Claim(s) 2-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03182004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 9 is objected to because of the following informalities: line 2, before “cremation” insert --a-- and change “containers” to --container--; line 8, change “a” to --one--; and line 10, before “cremation” insert --the--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2, 3, and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Sturino (US#5896632).

4. Regarding claim 2, Sturino discloses a cremation remains container system comprising: a common base 72, said base including a cremation remains compartment therein 74 and being adapted to have secured thereto a figurine; and a plurality of figurines 12 (figurine variations, col. 3, lines 20-23), said plurality of figurines are capable of being interchangeably secured to said common base such that one could select one figurine from said plurality of figurines, secure said one figurine to said common base and place cremation remains of a deceased in said cremation remains compartment of said common base to memorialize the deceased.

5. Regarding claim 3, said base includes an opening in a bottom thereof communicating with said compartment, and a cover 80 securable over said opening for securing the cremation remains in said compartment.

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6. Regarding claims 5 and 6, the cover is secured to the base via screws 82.
7. Regarding claim 7, said base and said plurality of figurines include mating fasteners for securing one to another, namely elements 76 and 38,40, respectively.
8. Claims 2, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Gersten (US#6295705).
9. Regarding claim 2, Gersten discloses a cremation remains container system comprising: a common base 44, said base including a cremation remains compartment therein 46 and being adapted to have secured thereto a figurine; and a plurality of figurines 10,34 (figurine variations, col. 3, lines 18-24), said plurality of figurines are capable of being interchangeably secured to said common base such that one could select one figurine from said plurality of figurines, secure said one figurine to said common base and place cremation remains of a deceased in said cremation remains compartment of said common base to memorialize the deceased.
10. Regarding claims 7 and 8, said base includes a threaded post 40 on a top thereof and said plurality of figurines include a matingly threaded recess 30 in a bottom 28 thereof.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sturino'632 in view of Sturino (US#5832575).

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13. Regarding claim 4, although Sturino'632 discloses the cover 80 is recessed within the bottom of the base 72 and secured thereto at 78 via screws 82, it is unclear if the cover is flush with the bottom of the base. However, Sturino '575 discloses an urn 12 including a cover 20 which is flush mounted to the bottom thereof at 18 via screws 22 thereby providing a stable support surface for the urn. Therefore, as taught by Sturino '575, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sturino '632 such that the cover was flush with the bottom of the base to provide a more stable support surface for the cremation remains system.

Allowable Subject Matter

14. Claims 1 and 9-13 are allowed.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

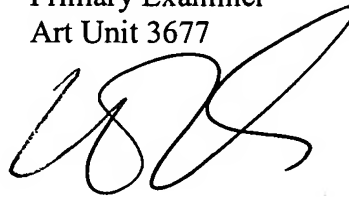
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is 703 305 3978. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703 306 4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Miller
Primary Examiner
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A handwritten signature in black ink, appearing to be 'WLM', written over the printed name and title of the examiner.

WLM
03-08-2005